

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT**

GARRET SITTS, et al., Plaintiffs, v. DAIRY FARMERS OF AMERICA, INC. and DAIRY MARKETING SERVICES, LLC, Defendants.	Civil Action No. 2:16-cv-00287-cr
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DEFENDANTS DAIRY FARMERS OF AMERICA, INC. AND
DAIRY MARKETING SERVICES, LLC’S
PROPOSED JURY INSTRUCTIONS

Pursuant to the Court’s November 18, 2019 Order, Defendants Dairy Farmers of America, Inc. (“DFA”) and Dairy Marketing Services, LLC (“DMS”) (collectively “DFA”) respectfully submit their proposed jury instructions, which are included as Attachment A. DFA reserves the right to further amend its proposed jury instructions, including as a result of the Court’s ruling on any pending motion, its rulings during trial (including pursuant to Federal Rule of Civil Procedure 50) and/or its resolution of any other dispute that bears on the legal claims in this case.

As just one example, DFA has moved in *limine* prior to trial to exclude several categories of evidence and argument. These motions are currently pending and not yet resolved. To the extent that any jury instruction proposed by DFA relates to any legal issue that is currently subject to a motion in *limine*, DFA reserves the right to amend its proposed jury instructions—and to propose additional limiting instructions—after the Court rules on that issue.

Pursuant to the November 14, 2019 pretrial conference, DFA has also included, for the Court’s ease of reference, the boilerplate jury instructions issued by the Court in *Securities &*

Exchange Commission v. McGinnis, No. 5:14-cv-6-CR (D. Vt. Mar. 22, 2019) (Reiss, J.), ECF No. 656, along with DFA's proposed instructions regarding the claims and defenses in this matter.

Dated: July 1, 2020

Respectfully submitted,

/s/ Alfred C. Pfeiffer Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2020, I electronically filed with the Clerk of Court the foregoing document using the CM/ECF system. The CM/ECF system will provide service of such filing via Notice of Electronic Filing (NEF) to the following NEF parties:

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